

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

JERRY BAKER, ANTHONY CABLE,

inmates at St. Clair Correctional Facility hang in

preliminary injunction pursuant to Federal

The Plaintiff asks the Court to order the Defendants to

the primary care physician to be assigned to St. Clair; (2)

hiring staff to assist the physician in providing adequate

unlawful and dangerous practice of failing to provide

Because the lives of seriously ill

the balance, the Plaintiffs move the Court

Rule of Civil Procedure 65(a)

immediately (1) hire a nurse

hire sufficient, qualified medical

medical care; (3) cease the

Audit. As a result, inmates with chronic, life-threatening diseases such as diabetes, hypertension, cardio-pulmonary disease, and liver disease, are denied necessary care, and

with emergency cond...
treat...

According to Dr. Puisis, St. Clair must

immediately hire at least one full-time

Psychiatry or Internal Medicine), one additional

physician assistant, and additional

Exhibit 2, Puisis Decl.

Various Barriers in Accessing Care

Multiple barriers that prevent seriously ill inmates from

are means that, in a timely manner, a patient is

capable sufficient to evaluate the condition of the...

clinical judgment, and receive care that is ordered for his

Exhibit 2, Puisis Decl.

Medical care for two primary me...

back call, in which

B. Inmates in Danger

There are numerous unreasonable

accessing care at St. Clair. Access to

examined by a licensed clinician with

patient, be given a professional cli...

serious medical needs. See Exhibit

Inmates at St. Clair obtain

because he is allergic to insect bites, went to the infirmary seeking emergency medical treatment. Exhibit 4, Declaration of Anthony Cable ("Cable Decl."). Although the doctor was present at the prison that day, the nurses refused to let him see her. *Id.*

Instead, [redacted] told him to "sign up for sick call." Although Mr. Cable did indeed sign up for sick call, his name did not appear on the sick call list on the following day. *Id.*

After he began developing flu-like symptoms, a correctional officer intervened on Mr. Cable's behalf by calling the infirmary to see if the medical staff would treat him. *Id.*

They refused. *Id.* After Mr. Cable's grade school instructors intervened

on his behalf that the prison doctor saw him -- two days after he had

at that time, he had to be taken to a local hospital for emergency

medical treatment, including surgery. *Id.* He remained hospitalized for three days

and was treated for sepsis, a potentially life-threatening infection. Exhibit 2, Prison

Decl. Cable then developed a serious staphylococcus infection, which required

an additional eight-day hospitalization. *Id.* He is still suffering from unexplained a

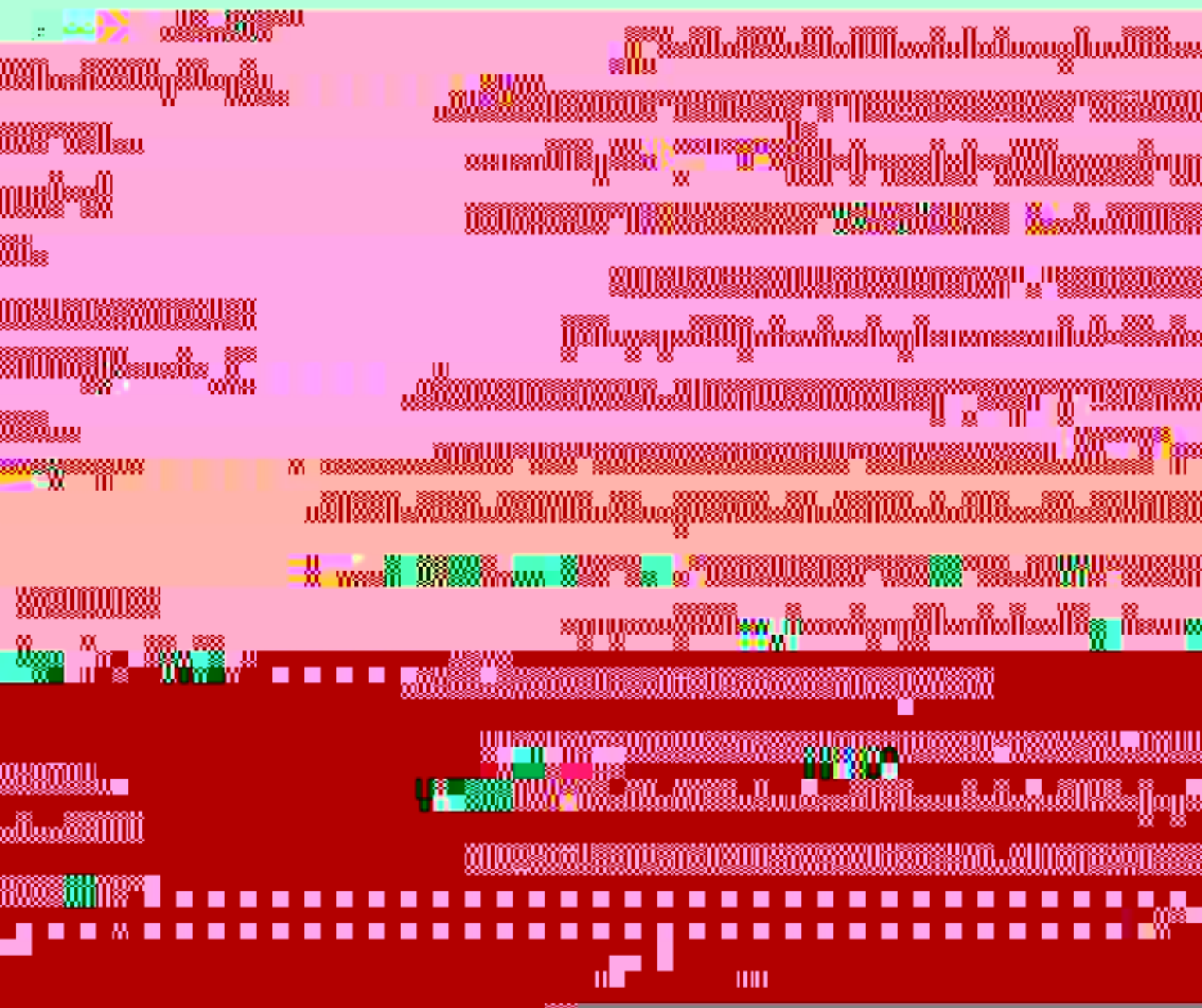
cesses on his body and an unexplained

the nurses properly evaluated Mr. Cable's condition and referred him to a

timely manner instead of ignoring his repeated pleas for treatment. Mr. C

have suffered a serious medical comp

the past year.



metastasis. On January 30, 2003, Mr. Mullins did not begin receiving chemotherapy,

treatments until April 29, 2003, nearly three months later. *Id.* According to Dr. Puisis,

this is an unreasonable delay and could negatively affect Mr. Mullins' prognosis.

Exhibit 2, Puisis Decl.

Whether as a result of the physician shortage or as a method of saving money, some

patients are denied specialty off-site medical consultations. For example, a patient

needed surgery. *Id.* Although the exact diagnosis was not clear, the patient

Likewise, Plaintiff Tony Dexter

for this condition for eleven years, *has not received his*

medication since April 21, 2003, a period of one month. Exhibit 9, Declaration of Tony

Dexter ("Dexter Decl."). The failure to *provide* Dexter's medication to him places

him at risk for a stroke or other *serious* complications.

Plaintiff Anthony Cable was prescribed antibiotics for two weeks following his

surgery for the spinal disc reaction, he stopped receiving antibiotics after only one week.

Exhibit 7, Cable Decl.

Plaintiffs who suffer pain as a result of their illnesses have been denied pain

medication. Mr. Mullins, for example, underwent surgery to remove one of his testicles

in January 2003. Exhibit 9, Mullins Decl. Despite his severe, unrelenting pain, P's pain

medication *was not* continued as a result of the evidence. Mr. Mullins should not only

pain medication. *Id.* The unnecessary failure to manage a patient's pain with appropriate

medication is a patient safety concern.

§ 87(2)(b) Injury or death. In a

recent incident involving the quality of the medical care provided at St. Clair, the auditor

observed that the medical care provided to patients at St. Clair was not always consistent with the standards of care. The auditor observed that the medical care provided to patients at St. Clair was not always consistent with the standards of care.

§ 87(2)(b)

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- (a) hire a full-time primary care physician;
- (b) hire additional qualified nursing staff;
- (c) provide all prescribed medications and necessary medical supplies;
- (d) provide all necessary off-site medical specialty consultations.

THE REQUIREMENTS FOR THE ISSUANCE OF A TREE TRIMMING INJUNCTION ARE SATISFIED.

FOURTH, THE COURT CONCLUDES THAT THE CITY'S PROPOSED ORDER IS NECESSARY TO PREVENT THE CITY FROM VIOLATING THE TREE TRIMMING INJUNCTION.

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easily recognize as necessary for a doctor's diagnosis." *Id.* (quoting *Hill v. Dekalb Reg'l Youth Det. Ctr.*, 40 F.3d 1176, 1187 (11th Cir.1994)). The medical need must be one that is unattended, poses a substantial risk of serious harm. *Farrow v. West*, 320 F.3d at 1243; see also *id.* at n.14 (listing Eleventh Circuit cases, including *Leg, and a ble*

cut over an eye); *id.* at 1244-45 (recognizing that the need for dentures, in combination with pain and weight loss, constitutes a serious medical need). Here, there can be no doubt that the Plaintiffs

including cancer, lung disease, hemophilia, Hepatitis C, and staphylococcal infections, have "seriously and persistently injured their health."

Amendment.

The Plaintiffs also easily meet the Eighth Amendment's subjective requirement. "[A]n official acts with deliberate indifference when he knows that an inmate is in serious need of medical care, but he fails to obtain it."

Lancaster v. Moury

the nature of the medical need is relevant in determining whether the delay is constitutionally intolerable." *McElligott v. Foley*, 182

the reason for the delay is relevant in determining what type of delay is constitutionally intolerable." *Id.* F.3d 1248, 1255 (11th Cir. 1999). "In

stitutional context, the Eighth Amendment's prohibition on cruel and unusual punishment is violated when a prison health care system's failure to provide adequate medical care to inmates constitutes a constitutional violation." *Id.*

systemic deficiencies can provide the basis for a constitutional violation." *Id.*



procedures that the [redacted] is effectively denied access to adequate medical

[redacted] been virtually ignored. Only a few weeks

before he died, Plaintiff Jerry B. [redacted] medical staff regarding their failure to give him his prescribed medications and their failure to fix his [redacted] [redacted] 12, Naphcare

Complaint and Grievance Forms. In addition to their [redacted] [redacted]

Plaintiffs have repeatedly [redacted] light medical care [redacted] [redacted] complain

DOC staff about their medical problems. See, e.g., Exhibits 4,

, 7, 8, 9, 10, 11, and 13.

Defendants' awareness of the serious medical needs of inmates and the response, if any, to such needs").

B. The Plaintiffs are Suffering Irreparable Harm

The Plaintiffs are suffering irreparable harm. As a result

Defendants' failure to provide mi

Preliminary Injunction" requiring, among other things, immediate improvements in the provision of medical care at a county jail)

ent That a Bond Be Posted Should Be Waived

The Require

The Plaintiffs respectfully

request the Court waive the bond requirement

contained in Federal

request the Court to order the Defendants to immediately provide limited discovery.

Following the receipt of that discovery, the Plaintiffs request that an evidentiary hearing

be held to allow the Plaintiffs to present evidence in support of their preliminary

injunction motion. The Plaintiffs request that the following discovery be made available

for inspection and copying by no later than June 6 (two weeks



(334) 956-8200

(334) 956-8481 (facsimile)

Attorneys for Plaintiffs

